

LEAD-BASED PAINT COMPLIANCE KEY

Attachment 1

Use the following key for all Rural Development actions that involve **residential property or child-occupied facility (hereinafter collectively, "property")**. This key will allow the user to determine applicability of lead-based paint (LBP) regulations and what actions must be taken to achieve compliance. This key is intended as a guide to compliance, and must be used in conjunction with the new LBP regulation.

INSTRUCTIONS: Start by answering **Question 1** with either a 'Yes' or 'No' **Response**, and take the corresponding **Action(s)**. Follow the key until compliance requirements are identified, or the Action states that the LBP regulation is not applicable. Reference the **24 CFR Part 35 Regulation Citation** and **Funding Sources** for specific details on what each action entails and possible funding sources.

Question	Response	Action	24 CFR Part 35 Regulatory Citations	Funding Sources ¹
1. Is residential property or a child-occupied facility involved?	Yes	Go to 2		
	No	STOP		
2. Was property constructed prior to 1/1/78?	Yes	Go to 3		
	No	STOP		
3. Is property being bought, sold, or leased?	Yes	Go to 3a		
	No	Go to 4 (page A-2)		
3a. Is property real estate owned (REO) by Agency?	Yes	Go to 3b		
	No	Agency Must: a. Ensure disclosure documents are in file b. Go to 4 (page A-2)	Subpart B, Section 35.175	
		Seller or Lessor Must: a. Disclose known information on LBP to buyer or renter(s) b. Provide LBP Pamphlet c. Go to 4 (page A-2)	Subpart A, Section 35.9(a)(2) Subpart A, Section 35.9(a)(1)	

¹ Possible Source of Funding

a. Agency Program Funds

b. Program Loan Cost Expense Funds

c. Other Federal, State, and Local Grants

d. Private Funds

e. Agency Environmental Funds

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Question	Response	Action	24 CFR Part 35 Regulatory Citations	Funding Sources ¹
3b. Was REO property constructed between 1/1/60 and 12/31/77?	Yes	Agency Must: a. Conduct LBP Inspection b. Conduct Risk Assessment c. Provide Notice to prospective purchasers of Results d. Go to 4 (page A-2)	Subpart C, Section 35.215 Subpart C, Section 35.215 Subpart C, Section 35.215 A, Section 35.9(a)(4)	a, e a, e a, e a, e
	No	Agency Must: a. Conduct LBP Inspection b. Conduct Risk Assessment c. Abatement of LBP Hazard d. Conduct a Clearance Examination e. Provide Notice to Occupants of Results f. Go to 4 (page A-2)	Subpart C, Section 35.210(a) Subpart C, Section 35.210(a) Subpart C, Section 35.210(b) Subpart C, Section 35.210(b) Subpart A, Section 35.9(a)(4)	a, e a, e a, e a, e a, e
4. Is funding for rehabilitation being provided? (see Note)	Yes	Go to 4a		
	No	Go to 5 (page A-4)		
4a. Is funding for rehabilitation less than or equal to \$5,000 (per dwelling unit, per year)?	Yes	Agency Must Ensure and Document that Owner or Grantee: a. Provides LBP Pamphlet to Occupants b. Tests Paint on Surface(s) to be Disturbed c. Uses Safe Work Practices d. Repairs Disturbed Paint e. Performs Clearance Test f. Provides Notice to Occupants of Result g. Go to 5 (page A-4)	Subpart B, Section 35.175 Subpart J, Section 35.910(b) Subpart J, Section 35.930(b)(1) Subpart J, Section 35.940(a)(1) Subpart J, Section 35.930 (b)(2) Subpart J, Section 35.940(a)(2) Subpart B, Section 35.125(a)/(b)	a, e b, c, d b, c, d b, c, d b, c, d b, c, d
	No	Go to 4b (page A-3)		

Note: Rehabilitation that does not disturb painted surfaces is exempt from this section of the compliance key

¹ Possible Source of Funding

a. Agency Program Funds b. Program Loan Cost Expense Funds c. Other Federal, State, and Local Grants d. Private Funds e. Agency Environmental Funds

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Question	Response	Action	24 CFR Part 35 Regulatory Citations	Funding Sources ¹
4b. Is rehabilitation assistance greater than \$5,000 and less than or equal to \$25,000 (per dwelling unit, per year)?	Yes	Agency Must Ensure and Document that Owner or Grantee: <ul style="list-style-type: none"> a. Provides LBP Pamphlet to Occupants b. Tests Paint on Surface(s) to be Disturbed c. Conducts Risk Assessment d. Establishes Interim Control e. Performs a Clearance Examination f. Provides Notice to Occupants of Results g. Go to 5 (page A-4) 	Subpart B, Section 35.175 Subpart J, Section 35.910(b) Subpart J, Section 35.930(c)(1) Subpart J, Section 35.930(c)(2) Subpart J, Section 35.930(c)(3) Subpart R, Section 35.1330(a)(3) Subpart B, Section 35.125(a)/(b)	a b, c, d b, c, d b, c, d b, c, d b, c, d b, c, d
	No	Agency Must Ensure and Document that Owner or Grantee: <ul style="list-style-type: none"> a. Provides LBP Pamphlet to Occupants b. Tests Paint on Surface(s) to be Disturbed c. Conducts Risk Assessment d. Abatement of All LBP Hazards Identified e. Performs a Clearance Examination f. Provides Notice to Occupants of Results g. Ongoing LBP Maintenance h. Go to 5 (page A-4) 	Subpart B, Section 35.175 Subpart J, Section 35.910(b) Subpart J, Section 35.930(d)(1) Subpart J, Section 35.930(d)(2) Subpart J, Section 35.930(d)(3) Subpart R, Section 35.1335(f) Subpart B, Section 35.125(a) Subpart R, Section 35.1355(a)/(b)	a, e b, c, d b, c, d b, c, d b, c, d b, c, d b, c, d b, c, d

¹ Possible Source of Funding

a. Agency Program Funds

b. Program Loan Cost Expense Funds

c. Other Federal, State, and Local Grants

d. Private Funds

e. Agency Environmental Funds

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Question		Response	Action	24 CFR Part 35 Regulatory Citations	Funding Sources ¹
5.	Is project-based rental assistance equal to or greater than \$5,000 annually, per project?	Yes	Agency Must Ensure and Document that Owner or Landlord: a. Provides LBP Pamphlet to Occupants b. Conducts Risk Assessment c. Conducts Interim Controls d. Conduct a Clearance Examination e. Provides Notice of Results to Occupants f. Takes Immediate Response to a Child under 6 years of age with an Environmental Intervention Blood Lead Level - Risk Assessment - Interim Controls - Clearance	Subpart B, Section 35.175 Subpart D, Section 35.310(b) Subpart D, Section 35.315 Subpart D, Section 35.320 R, Section 35.1330 Subpart R, Section 35.1330(a)(3) Subpart B, Section 35.310(a) Subpart D, Section 35.325	a b, c, d b, c, d b, c, d b, c, d b, c, d b, c, d b, c, d
		No	STOP		

¹ Possible Source of Funding

a. Agency Program Funds

b. Program Loan Cost Expense Funds

c. Other Federal, State, and Local Grants

d. Private Funds

e. Agency Environmental Funds